

ISSUE DATE: August 21, 1995

DOCKET NO. P-999/CI-87-697

ORDER GRANTING EXTENSION REQUEST FOR IMPLEMENTING INTRALATA 1+ EQUAL
ACCESS IN EVELETH

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

Don Storm
Tom Burton
Joel Jacobs
Marshall Johnson
Dee Knaak

Chair
Commissioner
Commissioner
Commissioner
Commissioner

In the Matter of an Investigation into
IntraLATA Equal Access and Presubscription

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PROCEDURAL HISTORY

On July 21, 1994, the Commission issued its ORDER SETTING IMPLEMENTATION GUIDELINES FOR INTRALATA 1+ PRESUBSCRIPTION in the above-captioned matter. In that Order the Commission established a schedule for the implementation of intraLATA 1+ equal access and presubscription for Minnesota local exchange carriers (LECs) which do not currently provide the service. The Commission required LECs to provide intraLATA 1+ equal access within 18 months of receipt of a bona fide request (BFR) for the service from an interexchange carrier (IXC). The Commission also established January 1, 1997, as an ultimate date certain for implementation, unless the LEC receives a waiver from the Commission.

On November 3, 1994, the Commission issued its ORDER DENYING REQUESTS FOR RECONSIDERATION, DENYING REQUEST FOR STAY, AND GRANTING EXTENSION OF DEADLINE. In that Order the Commission denied requests for reconsideration filed by US WEST Communications, Inc. (US WEST) and AT&T Communications of the Midwest (AT&T). The Commission also denied a request by GTE Midwest, Inc. (GTE) to stay the effect of any BFRs received, pending issuance of the Commission final Order. Finally, the Commission granted the request of the Minnesota Independent Coalition for a time extension to its deadline for filing a waiver request in response to a BFR.

On June 8, 1995, the Commission issued its ORDER GRANTING TIME EXTENSIONS, DENYING CERTAIN TIME EXTENSIONS, AND REQUIRING FILINGS. In that Order the Commission responded to the then-pending requests for time extensions.

On May 30, 1995, USWC submitted a request for a time extension for providing intraLATA 1+ equal access in the Eveleth wire center (744 prefix) of the Virginia exchange.

On June 1, 1995, the Commission issued a NOTICE OF COMMENT PERIOD regarding the Company's request.

On June 21, 1995, the Minnesota Department of Public Service (the Department) filed its comments.

On August 15, 1995, the Commission met to consider this matter.

FINDINGS AND CONCLUSIONS

A. USWC's Request

USWC explained that as it began the process of preparing its network, switches and systems for the provision of intraLATA 1+ equal access, it discovered that the Eveleth wire center of its Virginia exchange is served by a 2BESS switch that is not capable of providing 2 PIC capability,¹ as required by the Commission for provision of 1+ intraLATA equal access.² USWC discovered that AT&T, which manufactures the 2BESS, was not going to develop the software to enable the 2BESS to provide 2 PIC intraLATA equal access.

The Company further explained that the process of replacing the 2BESS switch (engineering, ordering, and installation) in order to provide 1+ equal access as required by the Commission's Order takes 48 weeks.

B. The Department

The Department noted that USWC filed its request as soon as it became aware of the problem and that the length of the extension requested, approximately 4½ months, is reasonable. The Department recommended approval of the extension.

C. Commission Action

The Commission is committed to full equal access for Minnesota subscribers. IntraLATA equal access and presubscription can only be achieved in the EVELETH area by replacing the switch. Under the circumstances, the Commission finds that the Company's efforts have been reasonable and will approve the Company's request and extend its time for providing 1+ intraLATA equal access. With the extension, Eveleth subscribers will have full equal access no later than June 30, 1996.

¹ PIC stands for Primary Interexchange Carrier. Technology that enables an end user to select **any** authorized carrier as their interLATA toll carrier and **any** authorized carrier as their intraLATA toll carrier is referred to as 2 PIC.

² In its July 21, 1994 Order in this matter, the Commission directed that intraLATA 1+ equal access be provided with a switch having 2 PIC capability. See ORDER SETTING IMPLEMENTATION GUIDELINES FOR INTRALATA 1+ PRESUBSCRIPTION, Ordering Paragraph 7 at page 25.

The Commission is also concerned, however, for proper communication to affected subscribers in Eveleth about the status of these matters. Therefore, the Commission will require the Company to clarify in education materials distributed to subscribers in Eveleth that the 744 portion of the Virginia exchange will not receive intraLATA 1+ equal access until no later than June 30, 1996 and the reason for the delay.

ORDER

1. The Commission grants USWC a time extension for providing intraLATA 1+ equal access in the Eveleth portion of the Virginia exchange. USWC shall provide intraLATA 1+ equal access in the Eveleth portion of the Virginia exchange no later than June 30, 1996.
2. Customer education materials distributed to Eveleth subscribers shall
 - a. clarify that the 744 portion of the Virginia exchange (Eveleth) will receive equal access no later than June 30, 1996 and
 - b. explain the reason for the delay.
3. This Order shall become effective immediately.

BY ORDER OF THE COMMISSION

Burl W. Haar
Executive Secretary

(S E A L)